

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

WESAM EL-HANAFI,
a/k/a "Khaled," and
SABIRHAN HASANOFF,
a/k/a "Tareq,"

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: <u>31210</u>
DATE FILED: <u>3/2/10</u>
SEALED
INDICTMENT

S2 10 Cr.

10 CRIM.

162

COUNT ONE

JUDGE WOOD

CONSPIRACY TO PROVIDE MATERIAL

SUPPORT TO A FOREIGN TERRORIST ORGANIZATION

The Grand Jury charges:

1. From at least in or about November 2007 up to and including in or about March 2010, in an offense occurring in and affecting interstate and foreign commerce, WESAM EL-HANAFI, a/k/a "Khaled," and SABIRHAN HASANOFF, a/k/a "Tareq," the defendants, at least one of whom will be first brought to and arrested in the Southern District of New York, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate and agree together and with each other to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), to a foreign terrorist organization, to wit, al Qaeda, which has been designated by the United States Secretary of State as a foreign terrorist organization on October 8, 1999; October 5, 2001; October 2, 2003; April 28, 2006;

October 2, 2003; and is currently designated as such, as of the date of filing of this Indictment.

2. It was a part and an object of the conspiracy that WESAM EL-HANAFI, a/k/a "Khaled," and SABIRHAN HASANOFF, a/k/a "Tareq," the defendants, would and did agree to provide al Qaeda with, among other things, computer advice and assistance, services, and currency, knowing that al Qaeda had engaged and was engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), and that Al Qaeda had engaged and was engaging in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about November 28, 2007, SABIRHAN HASANOFF, a/k/a "Tareq," the defendant, a United States citizen, received approximately \$50,000 from a co-conspirator not named as a defendant herein ("CC-1").

b. In or about February 2008, WESAM EL-HANAFI, a/k/a "Khaled," the defendant, a United States citizen, traveled

to Yemen where he met with two members of al Qaeda who instructed him on operational security measures and directed him to perform tasks for al Qaeda.

c. In or about February 2008, EL-HANAFI, while in Yemen, took an oath of allegiance to al Qaeda.

d. From in or about March 2008 through in or about May 2008, EL-HANAFI purchased a subscription for a software program that enabled him to communicate securely with others over the internet.

e. In or about May 2008, EL-HANAFI met with CC-1 in Brooklyn, New York, to discuss joining al Qaeda.

f. In or about June 2008, HASANOFF and EL-HANAFI had a discussion with CC-1 about joining al Qaeda.

g. In or about June 2008, EL-HANAFI accepted an oath of allegiance on behalf of al Qaeda from CC-1.

h. In or about June 2008, EL-HANAFI directed CC-1 to perform tasks for al Qaeda.

i. In or about June 2008, HASANOFF instructed CC-1 not to fill his United States passport with stamps to retain the passport's value to al Qaeda.

j. In or about August 2008, HASANOFF traveled to New York City and performed tasks for al Qaeda.

k. On or about April 15, 2009, EL-HANAFI purchased seven Casio digital watches over the internet and had them delivered to his residence in Brooklyn, New York.

l. In or about June 2009, CC-1 called a consulate in New York, New York, after communicating with EL-HANAFI and HASANOFF.

m. In or about July 2009, EL-HANAFI and HASANOFF participated in a conversation with CC-1, during which they discussed seeking out additional contacts within al Qaeda.

(Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(A), (d)(1)(D) and 3238.)

FORFEITURE ALLEGATION

4. The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c).

5. The violation of Title 18, United States Code, Section 2339B alleged in Count One this Indictment was a Federal crime of terrorism, as defined in 18 U.S.C. § 2332b(g)(5), against the United States, citizens and residents of the United States, and their property.

6. WESAM EL-HANAFI, a/k/a "Khaled," and SABIRHAN HASANOFF, a/k/a "Tareq," the defendants, were individuals

engaged in planning and perpetrating a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property.

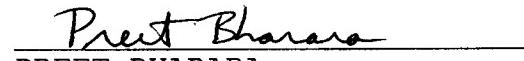
7. Upon conviction of the offense in violation of Title 18, United States Code, Section 2339B alleged in Count One of this Indictment, WESAM EL-HANAFI, a/k/a "Khaled," and SABIRHAN HASANOFF, a/k/a "Tareq," the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G)(i), and Title 28, United States Code, Section 2461(c), all right, title, and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property.

8. Upon conviction of the offense in violation of Title 18, United States Code, Section 2339B alleged in Count One of this Indictment, WESAM EL-HANAFI, a/k/a "Khaled," and SABIRHAN HASANOFF, a/k/a "Tareq," the defendants, shall pay to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c), a money judgment equal to the value of the assets subject to forfeiture under Paragraphs 4 through 7 above.

(Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c).)



FOREPERSON



PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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(Title 18, United States Code, Section
2339B)

PREET BHARARA
United States Attorney

A TRUE BILL

Francis J. Frankel
Foreperson

3/2/10 Filed Indictment Under Seal A Writ issued
50 Francis J.
U.S.M.J.